

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1-3, 7-12 and 32 were rejected. Claims 1 and 10 are amended and claim 7 is canceled.

Paragraph [0061], the last paragraph on page 12 is amended to correct an obvious typographical error. No new matter is added.

Claims 1-3, 7-10 and 32 were rejected under 35 U.S.C. § 102 as being anticipated by O'Hare, U.S. Patent No. 3,796,377. Claim 1 has been amended to include the features of claim 7, a feature of claim 10, and an additional feature.

Support for the amendment to claim 1 is provided by original claims 7 and 10, and by aeration hub 64 and air intake 40 of elected FIGS. 4 and 7. Although the intake of air through the hub from the front face of the jet disk hub is discussed in detail in the specification at paragraph [0061], page 12, last paragraph (not specifically referencing FIG. 4), the air intake 40 of aeration hub 64 of elected FIGS. 4 and 7 works in the same manner as the air intake 40 described in page 12 last paragraph. Thus amended claim 1 still reads on the elected species of FIG. 4.

The prior art of record fails to disclose or suggest that "the aerator is configured such that the aerator generates discrete aeration jets and comprises a hub through which the air intake takes place from the front face of the jet disk," as required by amended claim 1. O'hare (US 3,796,377) teaches that the air intake 20 leads from the top side of the shower head opposite to the jet disk (where slots 54 of O'hare's FIG. 1 pass the aerated water). O'hare neither discloses nor suggests relocating the air intake 20 to the position claimed in amended claim 1. O'hare would have provided no apparent reason that would have led one of ordinary skill to have the air intake take place from the front face of the jet disk.

Therefore, amended claim 1 is not anticipated by O'hare. Claims 2-3, 8-10 and 32 are dependent on claim 1 and are not anticipated by O'hare for at least the same reason as claim 1. Withdrawal of the rejection of claims 1-3, 8-10 and 32 is respectfully requested. Claim 7 is canceled without prejudice, obviating the rejection thereof, and the features of claim 7 are incorporated into claim 1. Withdrawal of the rejection of claims 1-3, 8-10 and 32 under § 102 is respectfully requested.

Claim 11 was rejected under 35 U.S.C. § 103 as being unpatentable over O'hare. Claim 11 is dependent on claim 1, and incorporates by reference the features discussed above. At the time applicant's invention was made, O'hare failed to provide any teaching, suggestion or motivation that would have led one of ordinary skill in the art to modify O'hare's shower head to have the air intake take place from the front face of the jet disk. Nor is there any apparent reason why one of ordinary skill in the art at the time applicant's invention was made would have modified O'hare's shower head to have the air intake take place from the front face of the jet disk.

O'hare seeks to connect his air inlet with an air chamber 34 (which includes the space between plates 26 and 30). This chamber 34 is near the top end of the shower head (opposite the front face from which the water jets exit), so that the air intake 20 is located near the top at well. One of ordinary skill would have considered placement of air intake 20 at the top to be a logical location to achieve O'hare's function of feeding the air into the chamber 34, as claimed in claim 1, and incorporated by reference in claim 11.

Therefore, claim 11 is not subject to rejection under § 103. Withdrawal of the rejection of claim 11 is respectfully requested.

Claim 12 was rejected under 35 U.S.C. § 103 as being unpatentable over O'hare in view of Aghinides (US 3,633,824). Aghinides was cited for teaching inclined jet passages 43. However, Aghinides fails to cure the deficiency of O'hare with respect to having the air intake take place from the front face of the jet disk. Aghinides teaches locating the air intake (14 in FIG. 1, 27 in FIG. 2, 49 in FIG. 4, and 54 in FIG. 5) on the

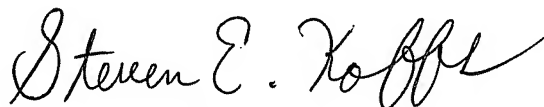
Application No. 10/538,398
Reply to Office Action dated September 18, 2007
Reply filed December 27, 2007

side of the aerator. There was no teaching, suggestion or motivation, at the time applicant's invention was made, to modify the combined teachings of O'hare and Aghinides to move the air intake from the top (O'hare) or side (Aghinides) to the front face of a jet disk as claimed in claim 1, and incorporated by reference in claim 12.

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

A handwritten signature in black ink, reading "Steven E. Koffs". The signature is fluid and cursive, with the first name "Steven" and last name "Koffs" clearly legible.

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Dated: December 27, 2007

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